

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In re: JON CHRISTOPHER
WHITEKILLER
SHELLY DAWN WHITEKILLER,

Debtors.

Case Number: 10-10714 NLJ
Chapter 13

**DEBTORS' OBJECTION TO PROOF OF CLAIM, AND
NOTICE OF HEARING**

JON AND SHELLY WHITEKILLER, Debtors in the above-captioned Chapter 13 proceeding, herein object to the below-described proof of claim as it has been filed in this case. In support of this motion, Debtors rely on 11 U.S.C. § 502(a) as well as Rule 3007 of the Federal Rules of Bankruptcy Procedure. In support of this motion, Debtors aver as follows:

1. Claim 5-1—Guaranty Bank, as filed on March 10, 2010 for \$30,736.73. This claim is unsecured. The claim does not have proper documentation and was presented in a form that does not comply with applicable rules. Further, the claim is not supported by original documentation. Further, the claim does not itemize the arrearages of said claim, nor does the claim contain a payment history. Debtors are unable to determine the validity of the claim because of the noncompliance.

WHEREFORE, given the above facts and arguments, Debtors request that the Court enter an order disallowing the aforementioned claim in its entirety, and for other such relief as the Court deems just and proper.

Respectfully submitted,

/s/ Jerry D. Brown
Jerry D. Brown, OBA #16815
JERRY D. BROWN, P.C.
5500 N. Western Ave., Suite 150
Oklahoma City, OK 73118
(405) 841-1000

TIME FOR RESPONSE: Pursuant to Local Bankruptcy Rule 9013, a written response must be served on the above-named attorney within fifteen days upon receipt of the pleading (eighteen days if the pleading is served by mail). Failure to respond within the time allowed may cause the pleading to be deemed confessed, and relief may be granted *ex parte* if a proposed order granting the relief is timely submitted to the Court.

NOTICE OF HEARING

You are hereby notified that a hearing on Debtors' objection to the proof of claim of Guaranty Bank is set for hearing on the 28TH day of SEPTEMBER, 2010, at 8:30 AM, before the Honorable Niles Jackson, Second Floor, United States Bankruptcy Courthouse, 215 Dean A. McGee Avenue, Oklahoma City, Oklahoma.

CERTIFICATE OF SERVICE

I, Jerry D. Brown, hereby certify that on the ____23____ day of August, 10 a true and correct copy of the above and foregoing instrument was mailed, with proper postage prepaid (or properly served via ECF) to the following parties:

| | | |
|-------------------------|-------------------------|-----------------------|
| Mr. John T. Hardeman | Office of the AUST | Guaranty Bank |
| Chapter 13 Trustee | 215 Dean A. McGee Ave. | 400 W. Brown Deer Rd. |
| PO Box 1943 | Fourth Floor | Brown Deer, WI 53209 |
| Oklahoma City, OK 73101 | Oklahoma City, OK 73102 | VIA US MAIL |
| VIA ECF | VIA ECF | |

/s/ Jerry D. Brown
Jerry D. Brown, OBA #16815